

Message Text

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FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC IMMEDIATE 4283

INFO USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 3 BELGRADE 9123

FOR EUR/RPM AND EUR/SOV FROM USDEL CSCE

E.O. 11652: GDS

TAGS: CSCE, OCON

SUBJECT: BELGRADE CSCE --EC-9 SYNOPSIS PAPER ON PRINCIPLES NEW
PROPOSALS

REF: BELGRADE 8836

SUMMARY: EC-9 REPS PASSED OUT TO ALL DELS DECEMBER 21 COM-
POSITE PAPER COVERING ALL BASKET ONE (PRINCIPLES) NEW PRO-
POSALS. THIS WAS DONE WITHOUT PRIOR NATO CAUCUS CONSUL-
TATION IN ORDER TO ENSURE THAT FOREIGN OFFICES WOULD HAVE
OPPORTUNITY TO STUDY PAPER DURING CONFERENCE'S HOLIDAY
BREAK. WHILE WE HAVE NO SIGNIFICANT SUBSTANTIVE DIFFERENCES
WITH PAPER, WE HAVE ADVISED EC-9 REPS THAT WE OBJECT
STRONGLY TO LACK OF CONSULTATION. END SUMMARY.

1. FOLLOWING IS TEXT OF DRAFT CIRCULATED INFORMALLY BY
EC-9 IN BASKET ONE DECEMBER 21 (WE HAVE ADDED NUMBERS IN
TEXT TO IDENTIFY PROPOSAL ON WHICH LANGUAGE IS BASED):

BEGIN TEXT:

(BM/55) THE PARTICIPATING STATES REAFFIRM THEIR RESOLVE
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TO PAY DUE REGARD TO AND TO IMPLEMENT WITHOUT RESTRICTIONS AND
WITHOUT DELAY ALL THE PROVISIONS OF THE FINAL ACT UNILATERALLY,
BILATERALLY AND MULTILATERALLY.

THEY RECOGNISE THAT ALL THE PRINCIPLES IN THE
DECLARATION ON PRINCIPLES IN THE FINAL ACT ARE OF PRI-
MARY SIGNIFICANCE AND ACCORDINGLY THAT THEY ARE TO BE
EQUALLY AND UNRESERVEDLY APPLIED, EACH OF THEM TO BE

INTERPRETED TAKING INTO ACCOUNT THE OTHERS.

THE PARTICIPATING STATES, RECOGNISING THAT THE HUMAN ASPECTS OF THE CSCE PROCESS AND ITS SIGNIFICANCE FOR PEOPLES AND INDIVIDUALS HAVE STILL TO BE FULLY REALISED, REAFFIRM THEIR COMMITMENT TO ALL THE COMPONENTS OF THE SEVENTH PRINCIPLE.

(BM/60) ACCORDINGLY, THEY REAFFIRM THEIR DETERMINATION TO IMPLEMENT UNILATERALLY THE PROVISIONS OF THE ABOVE-MENTIONED PRINCIPLE ON RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF; TO ENSURE THEIR IMPLEMENTATION BILATERALLY AND WITHIN THE CONTEXT OF THE CSCE AND OTHER MULTILATERAL FORA; TO DIRECT THESE EFFORTS IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND TO FULFILL THEIR COMMITMENTS AND OBLIGATIONS AS SET FORTH IN THE INTERNATIONAL DECLARATIONS AND AGREEMENTS IN THIS FIELD BY WHICH THEY MAY BE BOUND. (BM/64) THEY ALSO EXPRESS THE HOPE THAT ALL PARTICIPATING STATES WILL CONSIDER THE POSSIBILITY OF ACCEDING TO THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, AND TO THE OPTIONAL PROTOCOL THERETO, AND THAT THEY WILL FULFIL THEIR OBLIGATIONS ARISING FROM THESE INSTRUMENTS.

(BM/62) IN PARTICULAR, THEY DECLARE THEIR READINESS TO MAKE FURTHER EFFORTS TO PROMOTE AND ENCOURAGE

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THE EFFECTIVE EXERCISE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL, CULTURAL AND OTHER RIGHTS AND FREEDOMS ALL OF WHICH DERIVE FROM THE INHERENT DIGNITY OF THE HUMAN PERSON AND ARE ESSENTIAL FOR HIS FREE AND FULL DEVELOPMENT.

IN THE ECONOMIC AND SOCIAL FIELD THEY DECLARE THEIR WILLINGNESS INTER ALIA TO TAKE-UNDER CONDITIONS ESTABLISHED BY THE RELEVANT INSTRUMENTS FOR THE EXERCISE OF FUNDAMENTAL CIVIL, POLITICAL AND ECONOMIC RIGHTS-ALL APPROPRIATE AND POSSIBLE STEPS TO ENSURE TO ALL INDIVIDUALS, WITHOUT ANY DISCRIMINATION, THE OPPORTUNITY TO EARN THEIR LIVING BY WORK WHICH THEY FREELY CHOOSE OR ACCEPT ACCORDING TO THEIR CAPABILITIES.

(BM/S/3) HOLY SEE PROPOSAL ON RELIGIOUS FREEDOM.

(BM/47) THEY FURTHER REAFFIRM THEIR DETERMINATION FULLY TO IMPLEMENT THE PROVISIONS OF THE FINAL ACT RELATED TO THE RESPECT OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES AND OF OTHER RELEVANT INSTRUMENTS.

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(BM/63) THEY INTEND TO CONSIDER THE ADOPTION OF
APPROPRIATE LEGISLATIVE AND ADMINISTRATIVE MEASURES TO
ENSURE THAT MEN AND WOMEN SHOULD AS A MATTER OF PRINCIPLE
HAVE EQUAL RIGHTS, OPPORTUNITIES AND OBLIGATIONS UNDER
EQUAL CONDITIONS IN EVERY APPROPRIATE FIELD OF HUMAN
ENDEAVOUR.

(BM/14) AS CONCERNS THE IMPLEMENTATION OF THE
PRINCIPLE ON COOPERATION BETWEEN STATES, THE PARTICIPATING
STATES REAFFIRM THE RELEVANT AND POSITIVE ROLE THAT INSTITUTIONS,
ORGANIZATIONS AND PERSONS AS WELL AS GOVERNMENTS
HAVE TO PLAY IN THE DEVELOPMENT OF COOPERATION BETWEEN
GOVERNMENTS AND PEOPLE AND IN THE PROCESS OF IMPLEMENTING
THE PROVISIONS OF THE FINAL ACT. THEY NOTE THE EFFORTS
WHICH HAVE ALREADY BEEN MADE IN THE PARTICIPATING STATES
WITH A VIEW TO PROMOTING WIDER UNDERSTANDING OF THE
CONTENTS AND SIGNIFICANCE OF THE FINAL ACT. THEY
RECOGNIZE THAT THE RIGHT OF INSTITUTIONS, ORGANIZATIONS
AND PERSONS TO ASSIST GOVERNMENTS IN THE TASK OF
ENSURING THE FULL IMPLEMENTATION OF THE PROVISIONS OF
THE FINAL ACT, INCLUDING WHERE NECESSARY THE RIGHT TO
RAISE CASES OF NON-IMPLEMENTATION, SHOULD BE UNIVERSALLY
RESPECTED.

(BM/9) MOREOVER, AND WITH THE GOAL OF BENEFITTING
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THIS COOPERATION, THE PARTICIPATING STATES REAFFIRM
THEIR DETERMINATION TO APPLY FULLY THE RULES OF INTERNATIONAL
LAW AS THEY APPEAR IN THE VIENNA CONVENTIONS

OF 1961 ON DIPLOMATIC RELATIONS AND OF 1963 ON CONSULAR RELATIONS BY WHICH THEY MAY BE BOUND. THEY WILL DO THEIR BEST TO ASSURE TO ALL PERSONS WHO PARTICIPATE ON THEIR TERRITORY IN ACTIVITIES WITHIN THE SCOPE OF MUTUAL COOPERATION BETWEEN STATES NECESSARY SECURITY AS WELL AS FAVORABLE CONDITIONS FOR THEIR STAY AND THEIR WORK.

(BM/4) THEY DECLARE THEMSELVES READY TO PURSUE THEIR POLICY OF MUTUAL CONTACTS, CONVINCED THAT THE DEVELOPMENT OF THESE CONTACTS WILL BE BENEFITTED BY THE IMPLEMENTATION OF THE PROVISIONS OF THE FINAL ACT AND BY THE REINFORCEMENT OF AN ATMOSPHERE OF CONFIDENCE IN THEIR RELATIONS.

(BM/67) FRG PROPOSAL ON TERRORISM

(BM/21) SWISS PROPOSAL ON PEACEFUL SETTLEMENT OF DISPUTES EXPERTS MEETING.

N.B. -- PROPOSALS BM/54 AND BMS/2 HAVE NOT BEEN RETAINED IN THIS DOCUMENT.
END TEXT.

2. DEPARTMENT WILL RECALL THAT USDEL TOOK INITIATIVE IN NATO CAUCUS DECEMBER 13 TO CIRCULATE FIRST DRAFT OF COMPOSITE PAPER FOR NEW PROPOSALS ON DECLARATION OF PRINCIPLES (REFTEL). OUR OBJECTIVE WAS TO ENCOURAGE CONSULTATION PROCESS WITH A VIEW TO DEVELOPING A SYNOPSIS PAPER THAT ALLIES COULD USE, AS IN OTHER BASKETS, AS NEGOTIATING TOOL FOR DISCUSSION WITH EASTERN DELS EITHER IN DRAFTING GROUP OR INFORMAL SESSIONS. WE CIRCULATED REVISED VERSION TO CAUCUS DECEMBER 15 THAT TOOK INTO ACCOUNT INITIAL COMMENTS AND ATTEMPTED UNSUCCESSFULLY TO
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ARRANGE A THIRD NATO CAUCUS TO DISCUSS DRAFT THIS WEEK. WE LEARNED AT BEGINNING OF WEEK THAT EC-9 WAS WORKING ON ITS OWN VERSION OF POSSIBLE SYNOPSIS PAPER, AND AFTER WE AND CANADIAN REP MADE SEVERAL REQUESTS TO BELGIAN REP, WE WERE GIVEN COPY AFTERNOON OF DECEMBER 20. BELGIAN REP INDICATED THAT PAPER HAD NO STATUS WHATSOEVER AND WAS STILL BEING DISCUSSED BY THE NINE.. EFFORT TO CON- VENE NATO CAUCUS TO DISCUSS USDEL'S SECOND DRAFT AND EC-9 DRAFT MORNING OF DECEMBER 21 WAS UNSUCCESSFUL BECAUSE SEVERAL EC-9 REPS HAD CONFLICTING COMMITMENTS. EC-9 REPS THEN DISTRIBUTED PAPER, IN SAME FORM AS IT WAS SHOWN TO US PREVIOUS DAY, TO ALL DELS IMMEDIATELY PRIOR TO START OF DECEMBER 21 DRAFTING GROUP SESSION.

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3. WE HAVE NO REAL SUBSTANTANTIVE DIFFICULTIES WITH EC-9 PAPER THOUGH IT IS MORE MAXIMALIST, OFFERING FEWER OPTICAL CHANGES IN ALLIED PROPOSALS AND ACCEPTING LESS FROM EASTERN PROPOSALS, THAN WE HAD SUGGESTED. WE WOULD HAVE WISHED OPPORTUNITY TO DUSCUSS IN CAUCUS TACTICAL QUESTION OF WHETHER MAXIMALIST OR MORE BALANCED COMPOSITE WOULD BE MORE CONDUCIVE TO STIMULATING SERIOUS NEGOTIATION IN LIMITED TIME AVAILABLE AFTER CONFERENCE RESUMES. WE ALSO WOULD HAVE MADE A NUMBER OF MINOR STYLISTIC OR SUBSTANTIVE SUGGESTIONS. WE DO AGREE WITH EC-9 POINT THAT IT IS MORE USEFUL FOR ALL DELEGATIONS TO HAVE PAPER AVAILABLE FOR STUDY DURING HOLIDAY BREAK THAN TO INTORDUCE IT ONLY AFTER CONFERENCE RESUMES IN MID-JANUARY.

4. WE HAVE, HOWEVER, INDICATED TO EC-9 REPS THAT FAILURE OF CONSULTATION PROCESS, PARTICULARLY AFTER USDEL HAD SOUGHT TO INITIATE THAT PROCESS BY PROVIDING NATO CAUCUS WITH ITS OWN IDEAS, IS AN UNFORTUNATE PRECEDENT. EC-9 EXPERTS AGREED THAT CONSULTATION PROCESS BROKE DOWN, BUT THEY POINT TO EXTENUATING CIRCUMSTANCES INCLUDED TIME PRESSURES IMPOSED BY DECEMBER 22 RECESS OF MEETING AND FACT THAT HEADS OF
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THEIR DELEGATIONS FOCUSED ON DRAFT MORNING OF DECEMBER 21, DECIDED THAT MOST IMPORTANT CONSIDERATION WAS TO GET PAPER OUT, AND INSTRUCTED THAT IT BE

DISTRIBUTED AT ONCE.

5. WE WILL SEEK TO IMPRESS UPON EC-9 REPS AT FIRST
NATO CAUCUS AFTER CONFERENCE RESUMES THAT WE WILL
ALL NEED TO WORK HARDER AT CONSULTATIONS DURING WHAT
IS LIKELY TO BECOME INCREASINGLY FAST-MOVING PHASE
OF CONFERENCE. IT MAY BE THAT GENERAL SUBJECT OF
NEED FOR CLOSER COORDINATION BETWEEN EC-9 AND NATO
CAUCUSES DURING DRAFTING STAGE WOULD BE APPROPRIATE
SUBJECT TO CONSIDER AT NATO EXPERTS MEETING ON CSCE IN
BRUSSELS JANUARY 13.
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